

parties; defining separate property of the husband and wife, exempting separate property of the husband from debts contracted by the wife except for necessities furnished herself and children after her marriage with him, and from torts of the wife, giving husband management, control and disposition of his separate property during the marriage, providing that the wife shall have the sole management, control and disposition of her separate property; provided, that the joinder of the husband shall be necessary to a conveyance or encumbrance of the wife's lands, bonds and stocks; repealing all laws and parts of laws in conflict herewith, and declaring an emergency,"

Have carefully compared same and find it correctly engrossed.

McCOMBS, Chairman.

Committee Room.

Austin, Texas, January 21, 1929.

Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 46, A bill to be entitled "An Act amending Article 3386 of the Revised Statutes of 1925, as amended, 1927, providing for the amount of bonds of executors and administrators, and amending Article 3392 of the Revised Statutes of 1925, requiring new bond,"

Have carefully compared same and find it correctly engrossed.

McCOMBS, Chairman.

Committee Room.

Austin, Texas, January 21, 1929.

Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 87, A bill to be entitled "An Act to amend Article 7117 of Chapter 5, of Title 122, of the Revised Civil Statutes of Texas, 1925 codification, so as to exempt from inheritance tax intangible personal property of a non-resident who was, at the time of his death, a resident of a State or Territory of the United States or of a foreign country which did not impose a transfer or inheritance tax of any character in respect of intangible personal property of residents of this State,"

Have carefully compared same and find it correctly engrossed.

McCOMBS, Chairman.

Committee Room,

Austin, Texas, January 21, 1929.

Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 18, A bill to be entitled "An Act creating the office of criminal district attorney in those counties which constitute three or more separate judicial districts within themselves in which there is not now a district attorney; providing that the present county attorney in those counties who performs the duties of county and district attorney shall qualify as criminal district attorney, remain in office and take the oath and give the bond required of district attorneys by the Constitution and laws of Texas, organize their forces and continue the work as criminal district attorney until their successors are elected and qualified,"

Have carefully compared same and find it correctly engrossed.

McCOMBS, Chairman.

TWELFTH DAY.

(Wednesday, January 23, 1929.)

The House met at 10:54 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Barron.

The roll was called and the following members were present:

Mr. Speaker.	Duvall.
Ackerman.	Enderby.
Adkins.	Ewing.
Albritton.	Eickenroht.
Anderson.	Finn.
Avis.	Finlay.
Baker.	Forbes.
Baldwin.	Fuchs.
Barnett.	Gerron.
Bateman.	Gilbert.
Beck.	Giles.
Bond.	Graves
Bounds.	of Williamson.
Bradley.	Graves of Erath.
Brice.	Hardy.
Brooks.	Harding.
Carpenter.	Harman.
Chastain.	Harper.
Coltrin.	Harrison.
Conway.	Heaton.
Cox of Navarro.	Hefley.
Cox of Lamar.	Hines.
Cox of Limestone.	Hogg.
Davis.	Holder.
DeWolfe.	Hopkins.
Dunlap.	Hubbard.

Jenkins.	Pope of Nueces.
Johnson	Prendergast.
of Dimmit.	Purl.
Johnson of Smith.	Quinn.
Jones.	Ray.
Justiss.	Reid.
Kayton.	Renfro.
Keeton.	Richardson.
Keller.	Rountree.
Kemble.	Sanders.
Kennedy.	Savage.
Kincaid.	Shaver.
King.	Shelton.
Kinnear.	Sherrill.
Land.	Shipman.
Lee.	Simmons.
Lemens.	Sinks.
Long of Houston.	Smith.
Long of Wichita.	Snelgrove.
Loy.	Speck.
Mankin.	Stephens.
Martin.	Stevenson.
Mauritz.	Storey.
Maynard.	Strong.
McCombs.	Tarwater.
McDonald.	Thompson.
McGill.	Thurmond.
Mehl.	Tillotson.
Metcalfe.	Turner.
Minor.	Van Zandt.
Montgomery.	Veatch.
Moore.	Waddell.
Morse.	Wallace.
Mosely.	Walters.
Mullally.	Warwick.
Murphy.	Webb.
Negley.	Westbrook.
Nicholson.	White.
Olsen.	Wiggs.
O'Neill.	Williams
Palmer.	of Sabine.
Patterson.	Williams
Pavlica.	of Travis.
Petsch.	Woodall.
Pool.	Woodruff.
Pope of Jones.	Young.

Absent.

Gates.	McKean.
Johnson of Scurry.	

Absent—Excused.

Acker.	Rogers.
Hornaday.	Williams
Kenyon.	of Hardin.
Reader.	

A quorum was announced present.

Prayer was offered by Rev. J. C. Mitchell, Chaplain.

LEAVES OF ABSENCE GRANTED.

The following member was granted leave of absence on account of important business:

Mr. Reader for today, on motion of Mr. Mehl.

The following members were granted leaves of absence on account of illness:

Mr. Williams of Hardin for today, on motion of Mr. Quinn.

Mr. Johnson of Scurry for today, on motion of Mr. Carpenter.

HOUSE BILLS ON FIRST READING.

The following House bills, introduced today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. Finn:

H. B. No. 394, A bill to be entitled "An Act providing for an occupation tax upon wholesale dealers in lubricating oil equal to ten (10) cents per gallon on all such lubricating oil so sold by any such dealer."

Referred to Committee on Revenue and Taxation.

By Mr. Pope of Nueces:

H. B. No. 395, A bill to be entitled "An Act to amend Articles 6448 and 6458 of Chapter 11, Title 112, of the 1925 Revised Civil Statutes of the State of Texas, relating to the duties of the Railroad Commission of Texas, and fixing of freight rates, and declaring an emergency."

Referred to Committee on Common Carriers.

By Mr. Minor:

H. B. No. 396, A bill to be entitled "An Act to amend Articles 4613, 4614, 4618, 4619, as amended by Chapter 148, Acts Regular Session Fortieth Legislature, Articles 4620 and 4118, of the Revised Civil Statutes of 1925, declaring and defining the legal rights of married women; defining the separate property of married persons; regulating the management, control, disposition, and liability of such separate property."

Referred to Judiciary Committee.

By Mr. Pope of Nueces:

H. B. No. 397, A bill to be entitled "An Act to regulate the sale and disposition of gasoline at retail and the places wherein same is sold; imposing an occupation tax upon persons, firms, corporations and associations of persons selling gasoline at retail."

Referred to Committee on Revenue and Taxation.

By Mr. Graves of Williamson, Mr. Petsch and Mr. Bradley:

H. B. No. 398, A bill to be entitled "An Act to amend Section 6 of Article 8306, Title 130, Revised Statutes of Texas, 1925, dealing with damages and compensation for personal injury under the Workmen's Compensation Law, by adding to said section a provision that compensation authorized to be paid an injured employe shall not be discontinued until the Industrial Accident Board shall have ordered the discontinuance of same or unless by written authority of party."

Referred to Committee on Labor.

By Mr. Kincaid et al.:

H. B. No. 399, A bill to be entitled "An Act to provide for the sexual sterilization of inmates of State institutions in certain cases; prescribing the method of procedure and fixing duties of officials concerned therewith."

Referred to Committee on State Eleemosynary and Reformatory Institutions.

By Mr. Savage:

H. B. No. 400, A bill to be entitled "An Act amending Title 54, Chapter 8, of the Revised Civil Statutes of 1925, by adding Article 3393-a so as to provide that the county judge shall have the power and authority to decrease the amount of the bond of an executor or administrator."

Referred to Judiciary Committee.

By Mr. White and Mr. Graves of Williamson:

H. B. No. 401, A bill to be entitled "An Act defining the offense of rape, and eliminating from the present statutes the defense of want of chastity upon the part of the woman who may be between the years of fifteen and eighteen years of age, and amending Article 1183 of the Penal Code of the State of Texas, as revised in 1925."

Referred to Committee on Criminal Jurisprudence.

By Mr. Giles:

H. B. No. 402, A bill to be entitled "An Act to provide for the sale, development and patenting of mineral deposits, placers, veins, lodes or any rock carrying metallic or non-metallic substances of value, excepting oil, natural gas, coal and lignite that may be in any of the land of the public free school fund, University fund, the sev-

eral asylum funds, all State land belonging to or under the jurisdiction and control of the Prison Commission of this State."

Referred to Committee on Public Lands and Buildings.

By Mr. Savage:

H. B. No. 403, A bill to be entitled "An Act to amend Article 6162 of the 1925 Revised Civil Statutes of Texas, defining a loan broker; adding to Title 107 of the 1925 Revised Civil Statutes of Texas Article 6162a; providing for bond to be given by loan brokers."

Referred to Judiciary Committee.

By Mr. Heaton:

H. B. No. 404, A bill to be entitled "An Act to amend the special road law for Panola county passed by the Twenty-eighth Legislature at its Regular Session, being designated Chapter 24 of the Local and Special Laws, as amended by Chapter 18, passed during the Regular Session of the Thirty-third Legislature, by adding thereto a new section to be designated Section Twenty-three, to permit the issuance of bonds by said county for the purpose of funding or refunding the indebtedness incurred for road and bridge purposes prior to January 1, 1929."

Referred to Committee on Highways and Motor Traffic.

By Mr. Webb:

H. B. No. 405, A bill to be entitled "An Act providing that no county seat located within five miles of the geographical center of a county and which has been established for more than ten years in any county shall be removed to any newly established town in such county until such town shall have been established as a town for a period of five years prior to such removal."

Referred to Committee on Counties.

By Mr. Hefley:

H. B. No. 406, A bill to be entitled "An Act to amend Article 955 of the Revised Criminal Statutes of 1925 prohibiting the sale of fish taken from fresh water streams of certain named counties, and also providing means and methods of taking and possessing fish from fresh water streams in said counties by omitting name of the county of Milam from said list of counties, and declaring an emergency."

Referred to Committee on Game and Fisheries.

By Mr. Hefley:

H. B. No. 407, A bill to be entitled "An Act to amend Articles 4513, 4514, 4516 and 4523, Chapter 7, Revised Civil Statutes of Texas of 1925, providing for the appointment of a board of nurse examiners; prescribing their qualification and duties; providing how meetings of said board shall be called."

Referred to Committee on State Affairs.

By Mr. McDonald:

H. B. No. 408, A bill to be entitled "An Act to declare the public policy, to create board of commission consisting of five members to be known as the Cotton Conservation Commission, and providing for its designation, selection and appointment and defining its power and duties; providing for the meeting of said board and its duty to determine the maximum percentage of acreage of each farm in this State which may be planted to cotton each year in order to carry out the purposes and intent of said act and to determine the nature and extent of plant diseases, root rot, boll weevil and pink boll worm prevalent in any section of the State, and providing how notice may be given of the findings and determination of said board in reference thereto to the cotton farmers of this State and providing a tax and penalty for the violation of the findings of said board by any farmer, and prescribing what acreage shall come within the purview of said act, and making an appropriation to carry out the terms of said act, and fixing the pay of the members of said board, and enjoining upon the Governor of Texas certain duties and empowering said board to make all rules and regulations to perform the service required of it."

Referred to Committee on State Affairs.

By Mr. Anderson:

H. B. No. 409, A bill to be entitled "An Act to amend Title 61, Chapter 2, Article 3943, Revised Civil Statutes of Texas of 1925, relating to the fees of office of county treasurer."

Referred to Judiciary Committee.

By Mr. Graves of Williamson:

H. B. No. 410, A bill to be entitled "An Act to amend Section 4 of Article 1545 of the Penal Code of the State of Texas, as revised in 1925, and making the giving of any check, draft or order for money upon any bank, firm, person,

or corporation, an offense, provided the person so giving such check, draft, or order, has not at the time of giving such check, draft or order, sufficient funds deposited with such bank, firm, person or corporation, to pay such check, draft or order."

Referred to Committee on Criminal Jurisprudence.

By Mr. Nicholson:

H. B. No. 411, A bill to be entitled "An Act to amend Section 2 of Article 8306, Title 130, of the Revised Civil Statutes of the State of Texas, with reference to Workmen's Compensation Law, by omitting therefrom the words 'farm laborers,' and declaring an emergency."

Referred to Committee on Labor.

By Mr. Acker, Mr. Finlay, Mr. Sinks, Mr. Murphy, Mr. Metcalfe, Mr. Shelton, Mr. Quinn, Mr. Gilbert, Mr. Olsen, Mr. Carpenter, Mr. Lee and Mr. Webb:

H. B. No. 412, A bill to be entitled "An Act to amend Articles 6205, 6221 and 6227 of Title 109 of the Revised Civil Statutes of 1925, and to amend Article 6214 of Title 109 of the Revised Civil Statutes of 1925, as amended by Chapter 95 of the General Laws of the Fortieth Legislature, and to add Article 6222(A), and declaring an emergency."

Referred to Committee on State Affairs.

By Mr. Hines and Mr. Simmons:

H. B. No. 413, A bill to be entitled "An Act to amend Chapter 193 of the General Laws of the Fortieth Legislature, page 275, to provide for and regulate the method of taking or catching fish in the public fresh waters of Marion, Cass, Bowie, Harrison, Smith and Rusk counties, State of Texas."

Referred to Committee on Game and Fisheries.

By Mr. Bond:

H. B. No. 414, A bill to be entitled "An Act to amend Article 3995, Title 65, Revised Statutes of 1925, providing that any renewal, extension of any verbal contract for the re-renting of real estate shall be in writing and if not in writing, no action shall be brought in any court thereon."

Referred to Judiciary Committee.

By Mr. Thompson:

H. B. No. 415, A bill to be entitled "An Act to amend Article 4180 of the

Revised Civil Statutes of the State of Texas, 1925, Acts 1913, Thirty-third Legislature, Chapter 151, page 321, paragraph 1, relating to the investment of surplus funds of ward in the hands of guardian, or loan same; designating certain investments that may be made."

Referred to Judiciary Committee.

By Mr. Kinnear and Mr. Nicholson:

H. B. No. 416, A bill to be entitled "An Act to provide compensation for officers performing duties under the provisions of Title 16, Code of Criminal Procedure, relating to delinquent children."

Referred to Judiciary Committee.

By Mr. Lemens and Mr. Cox of Limestone:

H. B. No. 417, A bill to be entitled "An Act amending Section 8, of Chapter 177, of the General Laws of the Thirty-ninth Legislature, as amended in Section 1, Chapter 34, Acts First Called Session of the Fortieth Legislature; placing the counties of Somervell and Bosque under the same law as applies to killing of fox in the counties east of the boundary line defined therein."

Referred to Committee on Game and Fisheries.

BILLS ORDERED NOT PRINTED.

On motion of Mr. Johnson of Dimmit. House bill No. 358 was ordered not printed.

On motion of Mr. Hines, House bill No. 102 was ordered not printed.

On motion of Mr. Reid, House bill No. 165 was ordered not printed.

PROPOSED AMENDMENT TO HOUSE RULES.

Mr. Kennedy offered the following proposed amendment to the House Rules:

Resolved, That Rule XIX, paragraph 7, be amended so as hereafter to read as follows:

7. All bills, when reported favorably by a committee, shall immediately be sent to the printer by the Calendar Clerk and a printed copy laid on the desk of each member at least twenty-four hours before the bill is acted on by the House. In the event a notice of a minority report is given, the Calendar Clerk is instructed to hold a bill two days, if necessary, awaiting the filing of the minority report; but during the last fifteen days of the session he shall not hold a bill more than twenty-four hours awaiting a minority

report. All other bills, resolutions, reports, memorials and petitions shall be printed on the order of the House.

Signed—Kennedy, Montgomery, Cox of Navarro, O'Neill, King, Duvall, Cox of Limestone, Snelgrove, Albritton, Hines, Purl.

The amendment was referred by the Speaker to the Committee on Rules.

COMMUNICATION FROM J. T. ROBISON, LAND COMMISSIONER.

The Speaker laid before the House and had read the following communication:

January 22, 1929.

To the House of Representatives, Forty-first Legislature; Hon. W. S. Barron, Speaker.

Dear Sir: Noting the action of the Senate yesterday in adopting a concurrent resolution providing for an investigation of the General Land Office as administered by me and including therein the Governor, the Board of Regents of the University and the Attorney General, permit me to say in view of all that has been said heretofore the Senate acted wisely. As to my own official connection with the General Land Office for thirty-four years and my responsibility for its administration for twenty years, my every official act is reflected in the records of that office and I have no desire to change any one of them if I could. I am ready for a speedy hearing.

May I express the wish that your body concur in the Senate resolution, and if so the committee shall have my heartiest co-operation? Since I know what I have done I shall enter an investigation with the conscious assurance of the rectitude of every official act.

Very respectfully,

(Signed) J. T. ROBISON,
Commissioner General Land Office.

PROVIDING FOR THE INVESTIGATION OF THE GENERAL LAND OFFICE.

The Speaker laid before the House, for consideration at this time, the following resolution:

S. C. R. No. 4, Providing for the investigation of the General Land Office of the State of Texas, and the administration thereof, by a joint committee of the Senate and House of Representatives of the State of Texas, appointed therefor, and defining the powers and duties of said committee, and making appro-

priations from the mileage and per diem and contingent fund for the payment of the expenses of said committee.

Whereas, Large tracts of land in the western part of this State are owned by the permanent University fund, the same having been set aside for the benefit of the University with a view that such land should yield the greatest possible amount for the support and maintenance of the University; and

Whereas, The State owns other large tracts of land; and

Whereas, Oil has been discovered recently on and adjacent to such lands, making the same very valuable; and

Whereas, The present statutes providing for the sale of such lands are wholly inadequate to secure to the State and to the University a fair return under present circumstances and conditions; and

Whereas, The Commissioner of the General Land Office advertised for sale certain of said University lands and set the date of sale just a few days before the convening of the Forty-first Legislature and after the same was brought to his attention he failed to postpone the sale in order that the Legislature might determine the policy of the State in the sale of said lands in the light of present conditions, although the Attorney General recently ruled that the Land Commissioner had the discretion of postponing the date of said sale until a later date in the month of January; and

Whereas, It is necessary that the Legislature have all the facts in connection with the transactions that have occurred in reference to said land sales; and

Whereas, In the light of all that has transpired, it is necessary, in the interest of the public welfare, that an investigation be made into all matters pertaining to the public lands of this State; now, therefore, be it

Resolved, by the Senate of the State of Texas, the House of Representatives concurring:

Section 1: That a committee of five members of the House of Representatives and Senate be appointed, three members thereof to be appointed from the House by the Speaker of the House of Representatives and two members thereof from the Senate to be appointed by the President of the Senate, whose duty it shall be to conduct an investigation into the affairs of the General Land Office of this State, and the administration thereof; to investigate all matters, patents, leases and sales of the public domain of this State, heretofore made or attempted to be made, pertain-

ing to said General Land Office, and generally to investigate each and every act of the Commissioner of the General Land Office, and to investigate all matters pertaining to said office as may, in the judgment of said committee, be necessary and proper for the promotion of the public welfare; and as the nature of this investigation will necessarily involve the offices of Governor and Attorney General, the same shall include these departments in so far as their relations with the Land Office are concerned; and said committee shall also have power to make such investigation of the Board of Regents of the University of Texas as relates to the matters mentioned in the resolution.

Sec. 2. That said committee shall have the power to formulate its own rules of procedure and evidence, and to provide for its own hours for meeting and adjourning. Said committee shall sit in the Capitol at Austin during its sessions, and sessions of said committee shall be open to the public, except at such times as the committee, by a majority vote, may determine to hold an executive session. The chairman of said committee shall be elected by a majority vote of the members of said committee, and the committee shall appoint its own secretary and employees, and its sergeant-at-arms.

Sec. 3. That the committee shall have power to issue process for witnesses to any place in this State, and to compel their attendance, and produce all books and records, and upon disobedience of any subpoena the said committee shall have power to issue attachments, which may be addressed to and served by either the sergeant-at-arms appointed by said committee or any sheriff or any constable of this State. Said committee shall have power to inspect and make copies of any books, records or files of the General Land Office, or the Commissioner thereof, or any employee or appointee under investigation by said committee, and of any county or political subdivision of the State, and shall also have power to examine and audit the books of any person, firm or corporation having dealings with the General Land Office, the Commissioner thereof, or any employee or appointee of said office. The committee shall have power to administer oaths and affirmations and fix the bonds of attached witnesses; and the committee shall further have all powers necessary in order to accomplish the purposes for which it is appointed.

Sec. 4. The witnesses attending said

committee under process shall be allowed the same mileage and per diem as is allowed witnesses in the trial of criminal cases in the district court.

Sec. 5. Said committee shall have power and authority to employ and compensate all necessary experts, investigators, stenographers, clerks, auditors and all other necessary employees, and it shall be the duty of said committee to make and keep a record of its investigation.

Sec. 6. That said committee may call upon the Attorney General's Department for assistance and advice, and it shall be the duty of the Attorney General's Department to render opinions, give counsel and assistance to said committee upon the request of the chairman or members of said committee.

Sec. 7. That said committee shall begin and complete its investigation at the earliest practicable moment and shall submit a report in writing to the Forty-first Legislature. The compensation and expenses herein provided for incident to such investigation shall be paid for out of the appropriation for mileage and per diem and contingent expenses of the Regular Session of the Forty-first Legislature, upon sworn account of the persons entitled to such pay, when approved by the chairman of said committee, and sufficient money is hereby appropriated out of the mileage and per diem and contingent fund of said Regular Session of the Forty-first Legislature to meet the payment of such per diem and expenses of the members of said committee, witnesses, fees and other expenses incident to said investigation.

Sec. 8. Said committee may include in its report its recommendations of any legislation that should be enacted or other action that should be taken.

The resolution was read second time.

Mr. Kemble raised a point of order on consideration of the resolution at this time, on the ground that it should first be referred to a committee and reported back to the House, for the reason that it appropriates money.

The Speaker overruled the point of order.

Mr. Petsch moved that the resolution be adopted.

Mr. DeWolfe moved that the resolution be referred to the Committee on Public Lands and Buildings.

Mr. Ackerman moved the previous question on the pending motion and the resolution, and the main question was ordered.

Mr. DeWolfe moved that the House

adjourn until 10 o'clock a. m. tomorrow.

Mr. Van Zandt raised a point of order on the motion on the ground that a motion to adjourn is out of order while the House is operating under the previous question.

The Speaker sustained the point of order.

Question then recurring on the motion by Mr. DeWolfe that the resolution be referred to the Committee on Public Lands and Buildings, yeas and nays were demanded.

The motion was lost by the following vote:

Yeas—50.

Adkins.	Kinnear.
Albritton.	Land.
Bateman.	Lee.
Bond.	Long of Houston.
Brice.	Mankin.
Brooks.	McDonald.
Chastain.	McGill.
Cox of Navarro.	Metcalf.
DeWolfe.	Olsen.
Ewing.	O'Neill.
Finlay.	Pavlica.
Fuchs.	Pope of Jones.
Gerron.	Pope of Nueces.
Gilbert.	Reid.
Harman.	Rountree.
Harper.	Shipman.
Heaton.	Stevenson.
Hogg.	Thompson.
Hubbard.	Thurmond.
Jenkins.	Turner.
Jones.	Warwick.
Justiss.	Webb.
Kayton.	Wiggs.
Kemble.	Williams
King.	of Travis.

Nays—73.

Anderson.	Graves of Erath.
Avis.	Hardy.
Baker.	Harding.
Baldwin.	Harrison.
Barnett.	Hefley.
Beck.	Hines.
Bounds.	Holder.
Carpenter.	Hopkins.
Coltrin.	Johnson
Conway.	of Dimmit.
Cox of Lamar.	Keeton.
Cox of Limestone.	Keller.
Davis.	Kennedy.
Duvall.	Kincaid.
Enderby.	Lemens.
Eickenroht.	Long of Wichita.
Finn.	Loy.
Forbes.	Martin.
Giles.	Mauritz.
Graves	Maynard.
of Williamson.	McCombs.

Mehl.	Sherrill.
Minor.	Sinks.
Montgomery.	Smith.
Morse.	Snelgrove.
Mullally.	Stephens.
Murphy.	Storey.
Palmer.	Tarwater.
Patterson.	Tillotson.
Petsch.	Van Zandt.
Pool.	Veatch.
Prendergast.	Waddell.
Purl.	Walters.
Quinn.	Westbrook.
Renfro.	Woodall.
Sanders.	Woodruff.
Savage.	Young.
Shaver.	

Absent.

Ackerman.	Nicholson.
Bradley.	Ray.
Dunlap.	Richardson.
Gates.	Shelton.
Johnson of Smith.	Simmons.
Johnson of Scurry.	Speck.
McKean.	Strong.
Moore.	White.
Mosely.	Williams
Negley.	of Sabine.

Absent—Excused.

Acker.	Rogers.
Hornaday.	Wallace.
Kenyon.	Williams
Reader.	of Hardin.

Question next recurring on the resolution, yeas and nays were demanded.

The resolution was adopted by the following vote:

Yeas—94.

Ackerman.	Gerron.
Albritton.	Gilbert.
Anderson.	Giles.
Avis.	Graves
Baker.	of Williamson.
Baldwin.	Graves of Erath.
Barnett.	Hardy.
Beck.	Harding.
Bounds.	Harman.
Bradley.	Hefley.
Carpenter.	Hines.
Coltrin.	Hogg.
Conway.	Holder.
Cox of Lamar.	Hopkins.
Cox of Limestone.	Johnson
Davis.	of Dimmit.
Duvall.	Justiss.
Enderby.	Keeton.
Ewing.	Keller.
Eickenroht.	Kennedy.
Finn.	Kincaid.
Forbes.	King.
Fuchs.	Kinnear.

Lemens.	Purl.
Long of Houston.	Quinn.
Long of Wichita.	Renfro.
Loy.	Sanders.
Martin.	Savage.
Mauritz.	Shaver.
Maynard.	Sherrill.
McCombs.	Sinks.
McDonald.	Snelgrove.
Mehl.	Speck.
Metcalfe.	Stephens.
Minor.	Storey.
Montgomery.	Tarwater.
Moore.	Tillotson.
Morse.	Van Zandt.
Mullally.	Veatch.
Negley.	Waddell.
O'Neill.	Wallace.
Palmer.	Walters.
Patterson.	Westbrook.
Petsch.	Williams
Pool.	of Sabine.
Pope of Jones.	Woodall.
Pope of Nueces.	Woodruff.
Prendergast.	Young.

Nays—33.

Adkins.	Lee.
Bateman.	Mankin.
Bond.	McGill.
Brice.	Murphy.
Brooks.	Olsen.
Chastain.	Pavlica.
Cox of Navarro.	Reid.
DeWolfe.	Rountree.
Finlay.	Shipman.
Harper.	Simmons.
Harrison.	Stevenson.
Heaton.	Thompson.
Hubbard.	Turner.
Jones.	Warwick.
Kayton.	Webb.
Kemble.	Wiggs.
Land.	

Absent.

Dunlap.	Richardson.
Gates.	Shelton.
Jenkins.	Smith.
Johnson of Smith.	Strong.
Johnson of Scurry.	Thurmond.
McKean.	White.
Mosely.	Williams
Nicholson.	of Travis.
Ray.	

Absent—Excused.

Acker.	Rogers.
Hornaday.	Williams
Kenyon.	of Hardin.
Reader.	

Mr. Purl moved to reconsider the vote by which the resolution was adopted, and to table the motion to reconsider.

The motion to table prevailed.

Reason for Vote.

I vote "yea" on Senate concurrent resolution No. 4, not implying any insincerity to Land Commissioner, but for the purpose of seeing the real facts brought to light.

YOUNG.

MESSAGE FROM THE SENATE.

Senate Chamber.

Austin Texas, January 23, 1929.

Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed

H. B. No. 338, A bill to be entitled "An Act providing for a more expeditious manner of ascertaining the returns of any special election held for the office of Representative or Senator in any district, and providing for the early making of returns therefrom and an immediate issuance of a certificate of election, and declaring an emergency."

Respectfully,

MORRIS C. HANKINS,

Assistant Secretary of the Senate.

(Mr. Young in the chair.)

SENATE BILLS ON FIRST READING.

The following Senate bills, received from the Senate today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

Senate bill No. 116, to the Judiciary Committee.

Senate bill No. 29, to the Judiciary Committee.

Senate bill No. 30, to the Judiciary Committee.

Senate bill No. 74, to the Judiciary Committee.

Senate bill No. 95, to the Judiciary Committee.

RECESS.

On motion of Mr. Wallace, the House, at 12:30 o'clock p. m., took recess to 9:30 o'clock a. m. tomorrow.

APPENDIX.

STANDING COMMITTEE REPORTS.

The following committees have today filed favorable reports on bills, as follows:

Banks and Banking: House bill No. 391.

Judicial Districts: Senate bill No. 9; House bills Nos. 231, 105, 213 and 358; Senate bill No. 174.

Criminal Jurisprudence: House bills Nos. 15 and 66.

Public Lands and Buildings: House bill No. 345.

Conservation and Reclamation: House bill No. 262.

Judiciary: House bills Nos. 36, 181, 182 and 40.

Live Stock and Stock Raising: House bill No. 88.

State Affairs: House bills Nos. 139, 265 and 195.

Education: House bills Nos. 344 and 165; Senate bill No. 67.

Liquor Traffic: House bills Nos. 145 and 94.

Labor: House bills Nos. 392 and 319.

Eleemosynary Institutions: House bill No. 351.

The following committees have today filed adverse reports on bills, as follows:

Criminal Jurisprudence: House bill No. 66.

Judiciary: House bills Nos. 34 and 41.

Public Lands and Buildings: House bills Nos. 133 and 132.

In Memory
of
Hon. Lee Bivins

Mr. Warwick offered the following resolution:

Whereas, On the 17th day of January, 1929, the Honorable Lee Bivins of Amarillo, Texas, was called by death. He was mayor of one of the leading cities of Texas and a prominent citizen of this State, who had taken an active part in the building of a new and progressive empire on the plains of Texas; and

Whereas, No man has had more to do with the stabilizing forces of education, Christian activity and civic progressiveness than Lee Bivins, who sought no political office for himself, but who was drafted by the citizens of Amarillo to direct the affairs of a great and growing city. He was an outstanding force in the varied fields of activities; was one of the largest cattle raisers in the Southwest; owner of extensive lands, upon which the largest oil fields of Texas were discovered and developed; and one of the largest business men of Texas. Hundreds of associates relied upon his mere judgment, and from these councils will he be missed as a friend and adviser; therefore, be it

Resolved, by the House of Representatives of the Forty-first Legislature, That we express our sincere sympathy to the family, relatives and numerous friends of the deceased; that a page of the House Journal be set aside in memory of our beloved Mr. Bivins; and that when the House adjourns today it will be with our respect to him; and be it further

Resolved, That the Chief Clerk be, and is hereby, instructed to send a copy of this resolution to each member of his family.

WARWICK,
WHITE,
YOUNG,
TARWATER,
ROUNTREE,
POPE of Jones,
REID,
METCALFE,
LAND.

The resolution was read second time and was adopted by a rising vote.

In Memory
of
Hon. D. C. Giddings

Mr. Fuchs offered the following resolution:

Whereas, On November 27, 1927, at Brenham, Washington county, Texas, the Honorable D. C. Giddings, a former member of this body, was called by the Great Father to His eternal home. Mr. Giddings was born January 27, 1863, in Brenham, Washington county, Texas, and reached the age of sixty-four years and ten months at the time of his death; and

Whereas, Mr. Giddings was an extraordinary character in many ways. He remained extremely active up to the time he was confined to his bed. He took an active interest in and played an important part as leader in his community life, county affairs and State politics; and

Whereas, Mr. Giddings represented the most valuable type of citizenship in that he was an honest and conscientious worker in all things that go to make up the life of a good citizen. He was loyal to his family, to his church, to his party, to his State, and to his country; and

Whereas, The Honorable Giddings served as a member of this body during the Twenty-fourth Legislature; be it

Resolved, by the House of Representatives, That we extend our heartfelt sympathy to his relatives and numerous friends, and that a page of today's Journal be set aside in memory of Mr. Giddings, and that when we adjourn today that it be in respect to him; and be it further

Resolved, That the Chief Clerk be, and is hereby, instructed to send a copy of this resolution to the members of his family.

FUCHS,
TILLOTSON,
SINKS.

The resolution was read second time and was adopted by a rising vote.